



Santa Clara Valley Audubon Society
Founded 1926

August 11th, 2010

Ellen Haertle, and DTSC
Office of Policy,
CA Department of Toxic Substances Control

Re: DTSC's Proposed Standards for Management of Waste Solar Panels Department Reference Number: R-2010-01.

The Santa Clara Valley Audubon Society (SCVAS) wishes to comment on the proposed Regulatory Exemption and Universal Waste Management Options for End End-of of-Life Hazardous Waste Solar Panels. We have grave concerns regarding DTSC's effort to deregulate hazardous waste. We ask that DTSC does not allow millions of toxic solar panels from small to landscape scale solar infrastructure to become a pollution source that would harm our ecosystems, and an economic externality that we all need to pay for in the future.

1. DTSC is offering to deregulate PV hazardous waste on the grounds that PV companies will responsibly implement take back programs for end-of-life modules, but has no authority to enforce this program or any other requirements. So the exemption would be based entirely on a voluntary policy.

The only treatment option that can hold manufacturers accountable for product and hazardous waste stewardship is a pre-financed extended producer responsibility (EPR). Any EPR must be or bonded to ensure that PV modules are not orphaned when a company goes out of business. EPR fits with California's Green Chemistry Initiative, and a well-designed EPR can foster eco-design, green innovation and the creation of jobs.

2. The proposed rules do not specify who will pay for the management and disposal of end-of-life modules. Without a pre-financed collection and recycling scheme, the infrastructure to recycle PV may never be built, and the ability to collect decommissioned modules will be limited. Without a pre-financed EPR, local governments and PV owners will bear the costs of PV disposal.

For utility scale solar developments that are built using American Recovery and Reconstruction Act (ARRA) funding, it is conceivable to require that ARRA funds be allocated to pre-financed collection and recycling of solar panels at decommissioning time.

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3. There are no labeling requirements for PV that is hazardous waste. The PV owner is expected to determine whether or not the panel they own is hazardous. Distinguishing hazardous PV from non-hazardous PV is not possible visually. PV that comprises hazardous waste should be clearly labeled as such.

4. All PV that enters the market should be subject to pre-market testing so that information on PV toxicity is publicly known, and so that DTSC can track hazardous PV modules sold in the state. This should be implemented especially for large-scale solar farms that import millions of solar panels from China and the Far East, often from manufacturers of no accountability. A toxicity benchmark for solar panels should be developed before any manufacturer is granted an exemption.

We urge you to regulate solar panels in ways that would encourage manufacturing and toxic component transparency, and would promote the development of sustainable decommissioning and recycling solutions. Until these requirements and sustainable solutions are in place, please continue to require that PV hazardous waste be fully regulated as hazardous wastes.

Thank you for considering our comments and suggestions. We welcome an opportunity to discuss these with you at your earliest convenience. Please feel free to contact me if you have any questions.

Respectfully,



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